

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-9 are pending in this application, of which claims 7-9 are withdrawn. By this Amendment, claims 1 and 2 are amended.

The Patent and Trademark Office (PTO) rejects claim 2 under 35 U.S.C. §112, second paragraph, asserting that the phrase “in such a way” renders the claim indefinite. Claim 2 is amended to obviate the rejection thereto. Furthermore, Applicants gratefully acknowledge the indication that claim 2, and claims 3-6 that depend therefrom, would be allowable if rewritten to overcome the rejection of claim 2 under 35 U.S.C. §112, second paragraph.

In response to the rejection of claim 1 under 35 U.S.C. §102(e) as being anticipated by *Muhonen* (US 6,956,832), claim 1 is amended and is patentable over *Muhonen* for the reasons discussed below.

Claim 2 depends from claim 1 and recites, *inter alia*, wherein the multimedia message stored at step a) of claim 1 includes a unique message identifier distinguishing paid contents from free contents. *Muhonen* does not disclose, teach, or suggest this feature, and indeed, is silent on the subject of free or paid multimedia. Independent claim 1 is amended to include the above feature and claim 2 is amended accordingly.

A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently.

Therefore, because *Muhonen* does not disclose, teach or suggest at least this feature of amended claim 1, Applicants respectfully submit that amended independent claim 1 is patentable over *Muhonen*.

Claims 2-6 depend from independent claim 1 and are likewise patentable over *Muhonen* for the additional features they recite, as indicated by the Examiner above, as well as for their dependence on claim 1. Withdrawal of the rejection over *Muhonen* is respectfully requested.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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